

June 17, 2012

Federal Communications Commission  
445 12<sup>th</sup> St, S.W.  
Washington, DC 20554

Re: Further Notice of Proposed Rulemaking, 11-116  
**COMMENTS REGARDING WIRELINE OPT-IN REQUIREMENT**

**AN OPT-IN REQUIREMENT WOULD BE CUMULATIVE, OPPRESSIVELY  
BURDENSOME, AND WOULD NOT FURTHER THE ENDS OF  
PREVENTING CRAMMING, BUT RATHER THE  
ELIMINATION OF COMPETITION, JOBS**

Status quo, the major wireline carriers, as well as the third-party billing agencies, have taken extraordinary measures to quell cramming on consumer wireline telephone bills. These measures include, but are not limited to, the refusal to accept third-party billing charges for non-telecommunications related services, unilateral credits and refunds of any third-party billing charge at the customer's behest, and mandatory blocking of third-party billing charges for customers that have manifested their desire to no longer be subject to same.

By implementing an opt-in requirement as to third-party billing charges, the consumer will receive no enhanced protection from cramming, as at present the consumer is more than adequately protected by the foregoing means. As to those companies that, in the past, have attempted to cram, the above-mentioned measures, currently in place, remove any profit motive from cramming, and thus the practice disappears without further regulation.

While endeavoring to protect consumers is a bona fide objective, making the process too oppressive, expensive, and burdensome, will have an antithetical effect. Major wireline carriers will simply opt to refrain from third-party billing altogether, and thus the consumer will be left with no alternative vendors for competitive telecommunications services. This, as many competitive telecommunications providers rely upon third-party billing as the only cost-effective means of invoicing, utilizing the well established and customer-convenient invoicing and payment methods, provided by the major wireline carriers.

*Given the lack of resources, economies of scale, and the resultant inability to bill, the competitive telecommunications providers will cease to exist. With this cessation comes higher prices to the consumer, anti-competitive metrics, unemployment, less taxable revenue, including Universal Service, and the like.*

**IF AN OPT-IN REQUIREMENT IS NEVERTHELESS TO BE REQUIRED, ONLY NON-TELECOMMUNICATIONS SERVICES, WHICH A CONSUMER HAS NOT ALREADY OPTED-INTO, AND WOULD NOT REASONABLY EXPECT TO BE BILLED FOR VIA A WIRELINE TELEPHONE BILL, SHOULD REQUIRE SUCH A BEFOREHAND AUTHORIZATION**

As mentioned above, the major wireline carriers have already taken exhaustive steps to prevent cramming, including the elimination of third-party billing for “ancillary” goods and or services, or goods and or services which are outside of the scope of what a consumer would traditionally expect to be billed for on a wireline telephone invoice.

This is a logical and pragmatic approach to the cramming problem, as cramming has been most egregious and most deleterious to the consumer when in the form of these ancillary charges, of which the Commission is well aware.

Notwithstanding, in the case of traditional telecommunications services, particularly those where the consumer has already previously manifested their consent to use, and be billed for same via the wireline carrier bill, are an entirely separate class of charges, which require no additional pre-authorization.

Competitive, direct-dialed long distance, for example, already requires the customer to make a volitional change of provider, subject to the stringent anti-slamming regulations already enacted by the Commission, as well as the respective State public utility entities.

With such a service, the consumer not only expects to be billed through their wireline carrier bill, they consent to be billed through their wireline carrier, and this is in fact the most appropriate place for such a billing. The entire “PIC,” or presubscribed interexchange carrier switch, is the epitome of opt-in. Likewise, the commensurate charges are telecommunications charges, the nature of which, are most appropriately placed upon a local telephone bill.

***Requiring an opt-in for these already heavily regulated, traditional telecommunications services, would equate to an opt-in of an opt-in.***

Regards,

/s/

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